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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,823

12/14/2004

Edmund Sander

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EXAMINER

YOUNG, EDWIN

ART UNIT

PAPER NUMBER

3681

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/517,823	SANDER ET AL.	
	Examiner	Art Unit	
	Edwin A. Young	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 5-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/14/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. Receipt is acknowledged of the substitute specification, which has been approved for entry.
3. The disclosure is objected to because of the following informalities: paragraph [0012] contains a hand drawn carrot, which is not in accordance with 37 CFR 1.121.
Appropriate correction is required.

Claim Objections

4. Claims 5-9 are objected to because of the following informalities: the start of each claim, "Manual", should be "A manual". Appropriate correction is required.

Claim 5 is objected to because of the following informalities: line 10, "the is unit being" should be "the bearing unit is". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3681

7. Claim 1 recites the limitations "the spur" in line 3, "the loose wheels" in lines 4-5, "the coupling units" in line 6, and "the gearshift axles" in line 7. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by BRUCE (US 4,799,399).

Regarding claim 5, BRUCE teaches a manual transmission for a motor vehicle with a front transverse drive (see Fig. 1), comprising a wheel set (20, 48, 96) having a transmission input shaft (20) and at least two transmission output shafts (48, 96) engaged via a gearwheel (54, 104) with a spur wheel (56) of an axle differential (58), a rotationally fixed connection of at least one loose wheel (60) and gearshift wheels provided on the two transmission output shafts with a coupling unit (66) assigned thereto affected by gearshift forks (see Fig.3 (148,158) and column 6, lines 1-16) arranged displaceably on gearshift axles (140, 168) and selectable and operable via at least one gearshift lever shaft (208), and a common bearing unit (26) for at least one of bearing and accommodation of the gearshift axles and the gearshift lever shaft (see Figs. 3 and 9), wherein the bearing unit is arranged between the wheel set (20, 48, 96) an a central opening in the axle differential (58) (see Fig. 1).

Regarding claim 6, BRUCE teaches the manual transmission of claim 5, wherein the bearing unit (26) is a bearing bridge having two bearing eyes (see Fig. 3 (142) and column 6, lines 22-23) for the gearshift axles (140, 168) and a third eye (see Fig. 9 (211)) for accommodating the gearshift lever shaft (208), said third bearing eye being aligned perpendicular to the two bearing eyes (see Fig. 9).

Regarding claim 7, BRUCE teaches the manual transmission of claim 6, wherein the bearing bridge (26) at least partially covers a differential spur wheel (56) of the axle differential (58) (see Fig. 2).

Regarding claim 8, BRUCE teaches the manual transmission of claim 6, wherein the bearing bridge (26) is a profile element having two fastening straps with an offset on two ends thereof (see fastening straps at top-left and bottom-right of Fig. 7).

Regarding claim 9, BRUCE teaches the manual transmission of claim 8, wherein the bearing bridge (26) at least partially covers a differential spur wheel (56) of the axle differential (58) (see Fig. 2).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. OKUBO (US 4,682,516) teaches a transmission device for a front transverse drive vehicle, comprising a wheel set having a transmission input shaft and at least two transmission output shafts, a rotationally fixed connection of at least one loose wheel and gearshift wheel provided on the transmission shafts and affected by gearshift forks through a coupling unit, and a bearing unit disposed between the wheel set and a central opening in the axle differential (see Fig. 7).

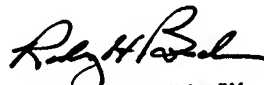
Art Unit: 3681

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. Young whose telephone number is 571-272-4781. The examiner can normally be reached on M-F 8-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EAY


RODNEY H. BONCK
PRIMARY EXAMINER
ART UNIT 3681